IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5248 OF 2004

Shri Ramchandra Madhukar
Taral ... Petitioner

Vs.

Shri S.R. Deshmukh,
Executive Engineer,
M.S.E.B. ... Respondents

Mr. D.K. Ghaisas and Mr. D.V.S. Talaulikar for the petitioner.

Mr. P.P. Chavan i/b M/s. Little & Co. for respondents.

CORAM: V.G. PALSHIKAR &
SMT. RANJANA DESAI, JJ.

DATED: 1ST SEPTEMBER, 2004.

P.C.:-

1. By this petition, the petitioner challenges the order of conviction and punishment given after due enquiry by the respondent-Board. The punishment was for unauthorised absence. The punishment is of termination of service. Appeal, Second Appeal and further Appeal have been considered and rejected by reasoned orders. The contention raised before us, in this petition, is that the punishment is disproportionate to the charge proved. Grant of punishment, usually, is the sole discretion of the employer and unless the punishment awarded is grossly disproportionate so as to shock the conscious of the Tribunal, interference with such punishment is not permissible.

2. It is, however, obvious that the punishment cannot be ordered with retrospective effect. The order of punishment passed on 1/11/2001 shall, therefore, be operative from that day. Except for this modification, the rest of the petition stands dismissed.

(V.G. PALSHIKAR, J.)

(SMT. RANJANA DESAI, J.)